IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.1617 OF 2005
IN
WRIT PETITION NO.3417 OF 1995

M/s.Gannon Dunkerley & Co. Applicant

Vs.

Presiding Officer & anr. Respondents

Mr.C.P.D'Souza h/f Mr.S.D.Puri for applicant.

CORAM: B.H.MARLAPALLE,J.
August 12, 2005.

P.C.

. Writ petition No.3417 of 1995 was admitted by this Court and interim stay was granted conditionally as per the order dated 20-9-1995. The petitioner had remitted the Bhatta charges for respondent no.2. The respondent no.1 was only a formal party. However, it appears from the Farad that no notice was issued on Rule to the respondent no.2 by the Registry during the last about ten years.

. This civil application has been filed stating that the respondent no.2 died on 26-11-2000 and, therefore, his wife is required to be brought on record. As per the office note this application is beyond time by four years and 17 days. The learned

counsel for the applicant states that he got the information regarding the demise of respondent no.2 only in February 2005 and this application has been moved in the very next month. Hence delay is condoned subject to payment of costs quantified at Rs.1000/- to be remitted to the Maharashtra State Legal Services Authority within one week. Civil Application is allowed in terms of prayer clause 4(a). Petition memo be amended in such a way that both the addresses of the LR of respondent no.2 are shown and, thereafter the notice shall be issued to the respondent on both these addresses subject to payment of Bhatta charges as per the Appellate Side Rules.

. Notice be made returnable after eight weeks and thereafter the petition be listed for final hearing as it is a petition of the year 1995.

(B.H.MARLAPALLE,J.)